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# NORTHWEST ENVIRONMENTAL ADVOCATES



November 6, 2000

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Linton)  
P.O. Box 2946  
Portland, OR 97208-2946:

**RE: Port of Portland application for 5-year dredging permit at Terminal 6**

Dear Ms. Linton:

Northwest Environmental Advocates (NWEA) submits these comments on the Port of Portland's (the Port) application for maintenance dredging of the Terminal 6 berths on behalf of its members, many of whom reside, work, and recreate in the Lower Columbia and Willamette Rivers. NWEA has worked to bring attention to and solve the environmental problems facing the Lower Columbia River since 1988, including advocating for National Estuary Program designation, co-chairing the Bi-State Lower Columbia River Water Quality Study, preventing new pollution sources to the river, publishing the educational map Columbia River: Troubled Waters, taking the public on RiverWatch educational boat tours of the Columbia and Willamette Rivers, and using legal advocacy to implement the water quality-based regulatory programs of the Clean Water Act.

In light of the potential for impacts on endangered aquatic species from this project, we believe it is premature for the Corps to invite public comment before the U.S. Fish and Wildlife Service and National Marine Fisheries Service have submitted their comments. Therefore, we are requesting an extension of the public comment period until those documents are available for public review.

It is our opinion that the Corps cannot now issue this permit for the reasons below, including that state law prohibits approval of activities that will contribute new loads into water quality limited streams, violate Oregon's antidegradation policies, and that the proposed project will cause and/or contribute to both short- and long-term violations of state water quality standards. The proposed project does not conform to Oregon water quality standards, Oregon's rules, or the 404(b)(1) Guidelines of the Clean Water Act.

Specifically, we are concerned with

- the existence of contaminated sediments at Terminal 6 berths;
- sediment containment at the dewatering facility;
- the absence of wetland delineation at proposed dewatering facility;
- testing of effluent for contamination, and;
- the use of dewatered sediments as 'clean fill.'

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## **I. Dredging of sediments at Terminal 6 berths**

Dredging of contaminated sediments at Terminal 6 will result in the resuspension and redistribution of contaminants such as tributyltin and DDT. Results of sediment testing at this site were not made available in this public notice, despite the known presence of such toxins. Sampling and testing protocols for the sediment evaluation mentioned in the project description, including locations and sample sizes, were not articulated. Dredging of such sediments will result in localized turbidity and resuspension of contaminants making them available for reintroduction into the food chain.

None of the maps presented in the Public Notice materials include dates indicating when the hydrographic data was collected, nor tenant and ship design information upon which the dredge prism was based on. Furthermore, much of the information included on the maps was illegible, despite the fact that the information was not included in the text portion of the Public Notice and critical to gauge the scope of the proposed work. WE have requested copies of this material, but were unable to obtain it prior to the comment period deadline.

## **II. Dewatering facility**

The proposed dewatering facility is located on a site that has not undergone a wetlands delineation, though its close proximity to two existing wetlands might suggest that more wetland habitat might exist within the site boundaries. Aerial photography suggests the existence of vegetation on the east portion of the site, yet no inventory of the flora and fauna of the site was presented with this public notice.

We find it difficult to believe that no environmental zone (E-zone) review would be required for a project of this size located just three feet from the E-zone boundary. No mention was given to the method by which the dewatered sediment would be contained within the site, particularly given its dubious 'clean' status and proximity to the E-zone. The 5-year duration of this permit would suggest that the dredging project would proceed off and on, to meet the annual needs of maintaining the five berths. However, the 10" HDPE supply and discharge pipes are said to be temporary on public notice materials, and in fact only in place 2-4 weeks. (personal communication, 11/6/00 Jane McFarland, Port of Portland) Since these pipes would not qualify as a utility corridor, we question the Port's interpretation that the project is exempt from E-zone review.

The public notice made vague reference to sediment testing before dredging and disposal activities, but lacked mention of testing that would be performed on effluent from the facility. Before the water is released back into the Oregon Slough, we would expect that it would also undergo thorough testing for contaminants.

## **III. Use of sediment after dewatering activity**

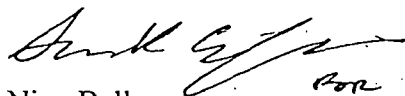
Upland disposal sites are difficult to secure for contaminated sediments, however the project description did not include mention of disposal alternatives, including capping methods. No

upland disposal sites were identified that would accept the dredged sediment after dewatering. We are concerned with the Port's poor track record for responsible disposal of dredged sediment and wish to see a list of proposed sites under consideration for acceptance of these dredged sediments.

### Conclusion

For the reasons listed above, we believe the Port's proposed activity does not at this time qualify for a work permit at this site. The permit application does not consider cumulative impacts, fish and wildlife protections, water quality, nor land use issues. Until such questions are answered, dredging at Terminal 6 should be delayed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nina Bell", with a stylized flourish at the end.

Nina Bell  
Executive Director

cc:  
Port of Portland